

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MARYLAND

<p>JERRY B. JORDAN, 4265 58th Avenue, # 4 Bladensburg, MD 20710</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">vs.</p> <p>WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY, 600 Fifth Street, N.W. Washington, D.C. 20001</p> <p style="text-align: center;">Defendant.</p>	<p>Civil Action No. _____</p>
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DEFENDANTS' NOTICE OF REMOVAL

PLEASE TAKE NOTICE THAT pursuant to 28 U.S.C. §§ 1441(a) and 1446, Defendant Washington Metropolitan Area Transit Authority (“WMATA”) hereby removes this action from the Circuit Court for Prince George’s County, Maryland, to the United States District Court for the District of Maryland. In support of this Notice of Removal, Defendant avers as follows:

Procedural History and Plaintiff’s Allegations

1. On January 11, 2021, the Plaintiff, Jerry B. Jordan, filed a Complaint against WMATA in the Circuit Court for Prince George’s County, Maryland, initiating this action.
2. The State court issued a Writ of Summons to the Defendant on January 12, 2021.
3. On February 3, 2021, the Writ of Summons and Complaint were served on WMATA via certified mail.

4. The Plaintiff's Complaint alleges that, on or about January 22, 2018, Plaintiff was working as a truck helper on a trash truck owned and operated by Bates Trucking Co. on Riverdale Road at or near its intersection with 54th Avenue in Prince George's County, Maryland. (*See* Compl. ¶¶ 4–5.) It further alleges that a WMATA Metrobus negligently attempted to come around the Bates truck and struck Plaintiff with its side mirror. (*Id.* ¶ 6.) The Complaint seeks to recover damages for personal injuries. (*See generally* Compl.)

5. Based on these allegations, the Complaint purports to allege a State law claim for negligence against WMATA. (*Id.*)

Grounds for Removal

6. Pursuant to 28 U.S.C. § 1441(a), this is a civil action brought in a State court of which the district courts of the United States have original jurisdiction.

7. This Court has original jurisdiction of this action under 28 U.S.C. § 1331. The WMATA Compact, Public Law 89-774, Paragraph 81, approved by Congress on November 6, 1966, as amended, reprinted at Md. Code Ann., Transp. § 10-204(81), specifically grants federal question jurisdiction over suits against WMATA to this Court:

The United States District Courts shall have original jurisdiction, concurrent with the courts of Maryland, Virginia and the District of Columbia, of all actions brought by or against the Authority and to enforce subpoenas issued under this title. Any such action initiated in a State or District of Columbia court shall be removable to the appropriate United States District Court in the manner provided by Act of June 25, 1948, as amended (28 U.S.C. 1446).

Md. Code Ann., Transp. § 10-204(81) (West).

The Procedural Requirements for Removal Have Been Satisfied

8. This case has been removed by Defendant to the district court of the United States for the district and division embracing the place where such action is pending. 28 U.S.C. §§ 1441(a) and 1446(a).

9. This Notice of Removal is filed within 30 days after the receipt by WMATA, through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which this action is based. 28 U.S.C. § 1446(b)(1). The Complaint was served on WMATA via certified mail on February 3, 2021.

10. True and correct copies of all process, pleadings, and orders served on WMATA in the pending State court action are attached hereto as Exhibits A–C.

11. Contemporaneously with the filing of this Notice of Removal, Defendant is serving written notice of this Notice of Removal on counsel for Plaintiff and filing the same with the Clerk of the Circuit Court for Prince George's County, Maryland, in accordance with 28 U.S.C. § 1446(d).

Non-Waiver of Defenses

12. By removing this action from the Circuit Court for Prince George's County, Maryland, Defendant does not waive any defenses available to it.

13. By removing this action from the Circuit Court for Prince George's County, Maryland, Defendant does not admit any of the allegations in Plaintiff's Complaint.

WHEREFORE, Defendant WMATA removes the above-captioned action from the Circuit Court for Prince George's County, Maryland, to the United States District Court for the District of Maryland.

DATE: February 16, 2021

Respectfully submitted,

WASHINGTON METROPOLITAN AREA
TRANSIT AUTHORITY
By counsel

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CERTIFICATE OF SERVICE

I certify that on February 16, 2021, a true and accurate copy of the foregoing was served on the following counsel of record via the Court's ECF system:

Thomas W. Farrington, Esq.
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/s/ J. Douglas Cuthbertson
J. Douglas Cuthbertson # 20266